

DETAILED ACTION

Claim Rejections – 35 USC §101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10 – 14 are rejected under 35 USC §101 as being unpatentable subject matter. A computer data signal as stated in claim 10 is a natural phenomena that is not patent-eligible. Claims 11 – 14, which depend from claim 10, similarly recite unpatentable subject matter.

Claim Rejections – 35 USC §103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-8, and 10-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yeiser: Patent Application Publication US 2002/0032603 A1 when read in view of “Many Ways To Use the IFRAME Tag”.

As per claim 1, 10, 11, and claim 15, Yeiser teaches a method for advertising internet web sites by selling, producing, and distributing media segments for display on

a communication device [paragraph 0002]. Yeiser also recites the transmission of a media segment (i.e. a computer readable medium) over a communication network to be received and displayed on a communication device in paragraph [0062]. This limitation is also displayed in Figure 2 of Yeiser in the form of a type of “lightning bolt” that is emitted from the media provider and sent to the communication network. The method in Yeiser describes the inclusion of streaming video for the purpose of making web sites more interesting [paragraph 0008]. The described video could therefore be considered attraction content. In addition, the method in Yeiser discloses that the streaming video is linked to the advertiser’s web site [paragraph 0015]. Further, it is disclosed that in addition to the link on the advertiser’s or the client’s web site, the link to the video can also be provided on the service provider’s or host’s Internet web site [0019]. In this way, the address of the host web page is transmitted to the consumer over the internet to a communication device, such as a computer.

Yeiser does not teach a method or any reproduction of a client’s web page. However, in “Many Ways To Use the IFRAME Tag” [page 1, paragraph 3], the use of an IFRAME tag is described as a window that is embedded within a webpage. The reference describes the possible content of this window to be banners, testimonials, poems, or anything that a web page could have [page 2, paragraph 1]. The reference also notes that an IFRAME could be used to create several regular web pages, one with an index to the others [page 2, paragraph 8] or that it could display anything that a regular web page could display by putting it into a small area on another web page [page 3, paragraph 2]. Therefore, it would have been obvious to one of ordinary skill in

the art at the time of the invention to combine the use of the IFRAME Tag with the method of advertising internet web sites as described in Yeiser. The motivation would have been to provide the consumer with a more complete idea as to the content of the client's web site beyond that of a banner ad or URL link to the client's web site.

3. As per claims 2, 12, and 16, see this discussion of claims 1, 10, and 15, and Yeiser further discloses that the streaming video or attraction content comprises a multimedia player and an associated video [paragraph 0008].

4. As per claims 3, 13, and 17, see this discussion of claims 1, 10, and 15, and Yeiser further discloses that the attraction content or streaming video or media segment is displayed in an upper portion of the host web page [paragraph 0045] and [figure 3, item 302] and a banner advertisement section displaying the client's information and/or logo in a lower portion of the host web page [paragraph 0045] and [figure 3, item 308]. While the banner advertisement section is not described as a reproduction of the client web page, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the use of the IFRAME Tag (see discussion of claims 1 and 15 above) with the method of advertising internet web sites as described in Yeiser. The motivation would have been to provide the consumer with a more complete idea as to the content of the client's web site beyond that of a banner ad or URL link to the client's web site.

5. As per claims 4, 14, and 18, see this discussion of claims 1, 10, and 15, and Yeiser further discloses that the host section [Figure 3, item 302] can be presented in

any format that will provide for entertainment to a viewer watching the media [paragraph 0046]. The examples given in Yeiser include a virtual host, cartoon host or a music group. While Yeiser discloses any format that will provide for entertainment to a viewer watching the media, the example of a cartoon host would be particularly analogous to a cartoon video. Also, a video displaying a music group would most likely also include an audio recording. Finally, a virtual host or any other form of host that is providing information about a client's goods or services would most likely be considered an educational video.

6. As per claims 5 and 19, see this discussion of claims 1, 10, and 15, and Yeiser further discloses the host web page further comprises a form for registering with an owner or operator of the host web page [paragraph 0083]. Yeiser states that the user can sign up for a free membership by accessing an on-line sign up form for registration.

7. As per claims 7 and 8, Yeiser further teaches a method of claim 1, wherein the host web page further comprises secondary advertising content wherein the secondary advertising content is selected from the group consisting of: banner advertisements, hypertext links, and pop-up advertisements. In paragraph [0016], Yeiser discloses the display of a combination of a scrolling list of web site addresses and graphical banners. The banner advertisement may include the client's logo or artwork showing the client's products, along with contact information. The web site addresses and banners that are displayed during the media segment are for clients, e.g., businesses (which could include businesses other than the primary client), who have purchased an advertising

spot on the media segment [0017]. Finally, the web site addresses contained in the scrolling list and banner ads are displayed as hyperlinks to the client's web site [0018].

8. Claims 6, 9, and 20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Yeiser in view of "Many Ways To Use the IFRAME Tag" and further in view of Claiborne: Patent Application Publication US 2002/0169662 A1. As per claims 6, 9, and 20, Yeiser does not teach a method of claim 1 comprising the step of emailing a link to the host web page to a plurality of consumers, wherein each of the plurality of consumers are marketing targets of an owner or operator of the client web page. However, in paragraph [0012], Yeiser does describe a method of advertising Internet web sites where the media segments are targeted to specific advertising markets. When read in view of Claiborne [paragraph 0047], which discloses an electronic coupon that can be in the form of a universal resource locator (URL) which functions as a hypertext link in an email or can be distributed by the placement of the URL into another Web page of a retailer or commerce entity, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method in Claiborne with the method of advertising internet web sites as described in Yeiser. The motivation would have been to provide the consumer with an alternative way of accessing the host web site other than coming across the site by chance while surfing the Internet.

Claim Rejections – 35 USC §112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 4 and claim 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to Claim 4, it recites the phrase "crazy video". This phrase is indefinite because one of ordinary skill in the art would not have known what constitutes "crazy".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Szajna whose telephone number is 571-270-3615. The examiner can normally be reached on Monday through Friday 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4194

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